

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 5, Rio Gallina

**MOTION FOR ORDER MAKING FINAL DETERMINATION
OF PRIORITY DATES AND IRRIGATION WATER REQUIREMENTS
IN SECTION 5 OF THE RIO CHAMA STREAM SYSTEM, RIO GALLINA**

COMES NOW the Plaintiff State of New Mexico, *ex rel.*, State Engineer and respectfully requests the Court to enter its Order making a final determination of priority dates and irrigation water requirements in Section 5 of the Rio Chama Stream System (Rio Gallina). In support of this motion Plaintiff states:

1. Pursuant to the August 8, 2007 *Scheduling and Procedural Order for Determination of Priority Dates and Irrigation Water Requirements in the Rio Gallina Section of the Rio Chama Stream System* (Docket No. 8752), each of the individual subfile defendants in Section 5, the community ditches (Acequias) in Section 5, and the United States of America have been served with the Court's Notice and Order to Show Cause in connection with the determination of priority dates and irrigation water requirements in Section 5 of the Rio Chama Stream System (Rio Gallina). *See Certificate of Service* filed September 17, 2007 (Docket No. 8929). Service of the Court's Notice and Order to Show Cause included a copy of a letter from the Special Master explaining the proceedings

and a form Objection and Response to Notice and Order to Show Cause as directed by the September 7, 2007 *Order Granting Motion for Approval of Form of Notice and Orders to Show Cause* (Docket No. 8792).

2. The Court's Notice and Order to Show Cause has been published as required in the Rio Grande Sun once each week for 4 consecutive weeks, the first publication being on the 4th day of October 2007 and the last publication being on 25th day of October 2007. *See Proof of Publication of Notice and Order to Show Cause* filed October 31, 2007 (Docket No. 8980).

3. Pursuant to the Court's Notice and Order to Show Cause, the deadline for the filing of an objection to the State's proposed determination of priority dates and irrigation water requirements in Section 5 was December 31, 2007.

4. No objection to the proposed determination of priority dates or irrigation water requirements in Section 5 has been filed with the Court.

5. Mary E. Humphrey, counsel for the Gallina–Capulin Acequia Association and the Acequias in Section 5, supports the granting of this motion.

WHEREFORE the Plaintiff State of New Mexico requests that the Court enter its Order making a final determination of priority dates and irrigation water requirements in Section 5 of the Rio Chama Stream System (Rio Gallina). A proposed Order granting this motion is attached hereto as Exhibit 1.

DATED March 19, 2008.

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of March, 2008 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville
Edward G. Newville